

(5) the owner of the parcel that will no longer be used for crop cultivation is also the owner of the new parcel that will be cultivated after the move, except where the parcel that will no longer be used for cultivation is subject to an expropriation or a decision of the Commission de protection du territoire agricole du Québec or the Government confirming the loss of agricultural use.

For the purposes of subparagraph 5 of the first paragraph, the move must take place within 24 months after ownership of the property is transferred in accordance with one of the situations provided for in section 53 of the Expropriation Act (chapter E-24) or following the decision of the Commission de protection du territoire agricole du Québec or the Government, as the case may be.”

11. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

105941

Gouvernement du Québec

O.C. 1461-2022, 3 August 2022

Environment Quality Act
(chapter Q-2)

Act respecting certain measures enabling
the enforcement of environmental
and dam safety legislation
(2022, chapter 8)

Various regulatory amendments relating to the regulatory scheme applying to activities having various levels of environmental impact according to the authorization regime provided for by the Environment Quality Act

Various regulatory amendments relating to the regulatory scheme applying to activities having various levels of environmental impact according to the authorization regime provided for by the Environment Quality Act

WHEREAS, under subparagraph 10 of the first paragraph of section 22 of the Environment Quality Act (chapter Q-2), no one may, without first obtaining an authorization from the Minister, carry out a project involving in particular an activity determined by government regulation;

WHEREAS, under subparagraph 3 of the first paragraph of section 23 of the Act, a person that applies to the Minister of the Environment and the Fight Against Climate Change for an authorization must provide any

other information or documents determined by regulation, which information or documents may vary according to the class of activities and the territory in which they will be carried on;

WHEREAS, under subparagraph 3 of the second paragraph and the third paragraph of section 30 of the Act, as amended by section 89 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), an amendment to an authorization is also required in the cases determined by government regulation and the amendment application must include the information and documents determined by government regulation;

WHEREAS, under the first and third paragraphs of section 31.0.6 of the Act, the Government may, by regulation, designate the activities referred to in section 22 or 30 of the Act that, subject to the conditions, restrictions and prohibitions determined in the regulation, are eligible for a declaration of compliance under subdivision 2 of Division II of Chapter IV of Title I of the Act and the provisions of the regulation may vary according to the class of activities, persons or municipalities, the territory concerned or the characteristics of a milieu;

WHEREAS, under the first paragraph of section 31.0.7 of the Act, declarations of compliance filed with the Minister must include the information and documents determined by regulation of the Government, in the manner and form specified in the regulation;

WHEREAS, under section 31.0.8 of the Act, a regulation made under section 31.0.6 of the Act may also require the filing, after certain classes of activities it specifies have been carried out, of a certificate of compliance with the applicable conditions, restrictions and prohibitions, signed by a professional or any other person qualified in the field concerned, in the manner and form specified in the regulation;

WHEREAS, under the first, second and fourth paragraphs of section 31.0.11 of the Act, the Government may, by regulation and subject to any conditions, restrictions and prohibitions specified in it, exempt certain activities referred to in section 22 of the Act from subdivision 1 of Division II of Chapter IV of Title I of the Act, exempt any part of the territory of Québec and any class in particular of persons or activities it specifies from that subdivision, and, if necessary, set out conditions, restrictions and prohibitions which may vary according to the type of activity, the territory concerned and the characteristics of a milieu, and such regulation made under section 31.0.11

may also prescribe any transitional measure applicable to the activities concerned that are in progress on the date of its coming into force;

WHEREAS, under section 31.1 of the Act, no person may undertake any construction, work, activity or operation, or carry out work according to a plan or program, in the cases provided for by regulation of the Government without following the environmental impact assessment and review procedure provided for in subdivision 4 of Division II of Chapter IV of Title I of the Act and obtaining an authorization from the Government;

WHEREAS, under subparagraph *a* of the first paragraph of section 31.9 of the Act, the Government may make regulations to determine the classes of construction, works, plans, programs, operations, works or activities to which section 31.1 of the Act applies;

WHEREAS, under subparagraphs 1 and 5 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec and the regulations may, in particular, classify recoverable and reclaimable residual materials and determine the conditions or prohibitions applicable to the use, sale, storage and processing of materials intended for or resulting from reclamation;

WHEREAS, under paragraphs 1 and 2 of section 70 of the Act, the Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec and the regulations may, in particular, classify residual materials elimination facilities and residual materials, and exempt certain classes from the application of all or certain of the provisions of the Act and the regulations, and prescribe or prohibit, in respect of one or more classes of residual materials, any mode of elimination;

WHEREAS, under subparagraph 2 of the first paragraph of section 95.1 of the Act, the Government may make regulations to exempt classes of contaminants or of sources of contamination from all or any part of the Act;

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prohibit, limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under subparagraph 4 of the first paragraph of section 95.1 of the Act, the Government may make regulations to determine, for any class of contaminants

or of sources of contamination, a maximum quantity or concentration that may be released into the environment, for all or part of the territory of Québec;

WHEREAS, under subparagraph 5 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish standards for the installation and use of any type of apparatus, device, equipment or process designed to control the release of contaminants into the environment;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of the Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under subparagraph 9 of the first paragraph of section 95.1 of the Act, the Government may make regulations to exempt in particular any person or class of activity it determines from all or part of the Act and prescribe, in such cases, environmental protection and quality standards applicable in particular to the exempted persons and activities, which may vary according to the type of activity, the territory concerned or the characteristics of the milieu;

WHEREAS, under subparagraph 13 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may make regulations to determine the terms governing authorization, approval, accreditation or certification applications and any application to amend, renew, maintain, suspend, revoke or cancel those applications and the conditions applicable to such applications;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved in particular by any person carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement

of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister by any person carrying on an activity governed by the Environment Quality Act or the regulations and determine the terms and conditions governing their sending;

WHEREAS, under subparagraph 24 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the methods for collecting, preserving and analyzing water, air, soil or residual material samples for the purposes of any regulation made under the Act;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, made by section 1 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, as made, the Government may in particular determine the provisions of a regulation the Government has made in particular under the Environment Quality Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS the Government made the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), the Regulation respecting biomedical waste (chapter Q-2, r. 12), the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) and the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas, a draft Regulation to amend the Regulation respecting biomedical waste, a draft Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, a draft Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects and a draft Regulation to amend the Regulation respecting the reclamation of residual materials were published in Part 2 of the *Gazette officielle du Québec* of 27 April 2022 with a notice that they could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulations with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas, the Regulation to amend the Regulation respecting biomedical waste, the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, the Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects and the Regulation to amend the Regulation respecting the reclamation of residual materials, attached to this Order in Council, be made.

YVES OUELLET

Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas

Environment Quality Act
(chapter Q-2, ss. 95.1)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(2022, chapter 8, s. 1 (ss. 30 and 45))

1. The Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1) is amended in section 2 by replacing “and 49.1” in the first paragraph by “, 49.0.1, 49.0.2 and 49.1”.

2. Section 3 is amended in the first paragraph

(1) by adding “, except those referred to in subparagraphs *a* and *b* of subparagraph 1 of the first paragraph of section 50 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)” at the end of subparagraph 1;

(2) by inserting the following after subparagraph 1:

“(1.1) activities carried on in a natural setting or an area designated under the Natural Heritage Conservation Act (chapter C-61.01), where the activities are authorized pursuant to that Act;

(1.2) activities carried on in the habitat of a threatened or vulnerable species of flora identified pursuant to paragraph 2 of section 10 of the Act respecting threatened or vulnerable species (chapter E-12.01), where the activities are authorized pursuant to that Act;

(1.3) activities carried on in accordance with an order issued pursuant to the Act;”.

3. Section 4 is amended in the first paragraph

(1) by inserting the following definition before the definition of “body of water”:

““alvar” means an open natural environment, either flat or slightly inclined, sometimes covered by a thin layer of soil, characterized by limestone or dolomite outcrops, as well as sparse vegetation composed mainly of shrubs, herbaceous plants and moss capable of withstanding extreme humidity and drought;”.

(2) by adding “and an ice jam flood zone without distinguishing the zones with ice movement from the zones without ice movement” at the end of the definition of “high-velocity flood zone”.

4. Section 5 is amended by replacing paragraph 11 by the following:

“(11) a road is an infrastructure the right of way of which includes a roadway, shoulders and, where applicable, ditches and turning circles, but excludes a temporary road and a winter road as well as a stabilization works, a railway, a bridge, a culvert or any other works to cross a watercourse; subject to the exceptions mentioned above, the following are considered to be roads:

(a) a road laid out by the minister responsible for the Act respecting roads (chapter V-9);

(b) a trail that is not laid out as part of a forest development activity or any work allowing traffic, such as cycle paths, which do not include accesses to the littoral zone of a lake or watercourse that may be attached thereto, or structures that may be constructed in the accesses;”.

5. Section 11 is amended

(1) by replacing the first paragraph by the following:

“A vehicle or machinery may circulate in a lakeshore or riverbank, a flood zone or a wetland provided the area is restored to its original condition, or a condition close thereto if ruts are formed.

The refuelling and maintenance of vehicles or machinery may be carried out in a dewatered littoral zone, a lakeshore or riverbank, a flood zone or a wetland provided the vehicles or machinery are equipped with a collection system for collecting fluid leakage and spillage, or with a spillage prevention device;”.

(2) by replacing “The condition prescribed in subparagraph 1 of the” in the second paragraph by “The”.

6. Section 15 is amended by replacing “for preliminary survey work” in subparagraph ii of subparagraph *b* of paragraph 3 by “for taking samples, conducting surveys, making technical surveys, carrying out archaeological excavations and taking measurements”.

7. Section 18.1 is replaced by the following:

“**18.1.** Work requiring the removal and trimming of vegetation in the littoral zone and the shore or bank of a lake or watercourse must be carried out

(1) without stump removal, unless the nature of the work entails such stump removal;

(2) without impermeabilization of the ground, except in the case of a temporary road laid out by the Minister responsible for the Act respecting roads (chapter V-9).”.

8. Section 20 is replaced by the following:

“**20.** Construction of a road in a lakeshore or riverbank must be for the sole purpose of crossing it.

The establishment, alteration or extension of a pipe in a sewer system or storm water management system, or a ditch or outflow, must,

(1) if the work is carried out in the lakeshore or riverbank, be for the sole purpose of crossing the lakeshore or riverbank or discharging water into that area;

(2) if the work is carried out in the littoral zone, be for the sole purpose of discharging water into that area.”.

9. Section 21 is amended by replacing “high-water mark” in the first paragraph by “limit of the littoral zone”.

10. Section 28 is replaced by the following:

“**28.** The dewatering or temporary narrowing of a watercourse may not be carried out in the same part of the watercourse more than twice in a 12-month period.

If dewatering or narrowing work is carried out by the Minister responsible for the Act respecting roads (chapter V-9) or by a municipality, it must comply with the following conditions:

(1) in the case of work lasting for not more than 20 days, the dewatering or narrowing may be complete if the water is totally redirected downstream of the work;

(2) in the case of work lasting for more than 20 days, the dewatering or narrowing,

(a) if there is a permanent infrastructure present for which dewatering or narrowing is required,

i. may not exceed one half of the infrastructure’s opening if the dewatering or narrowing is carried out between 15 June and 30 September;

ii. may not exceed one third of the infrastructure’s opening if the dewatering or narrowing is carried out between 1 October and 14 June;

(b) if there is no permanent infrastructure present for which dewatering or narrowing is required, may not exceed two thirds of the width of the watercourse.

If dewatering or narrowing work is carried out by any person other than a person referred to in the second paragraph, it may not last for more than 30 consecutive days and, in addition to the conditions set out in the first paragraph, it must comply with the following conditions:

(1) in the case of work lasting for no more than 10 days, the dewatering or narrowing may be complete if the width of the watercourse is less than 5 m and the water is totally redirected downstream of the work;

(2) in other cases, the dewatering or narrowing may not exceed one third of the width of the watercourse.

This section does not apply where dewatering or narrowing work is carried out for the purpose of managing a dam.”.

11. Section 38.11 is amended

(1) by replacing “the construction” in the portion before subparagraph *a* of subparagraph 1 of the first paragraph by “the siting”;

(2) by striking out the second paragraph.

12. Section 47 is amended by replacing paragraph 1 by the following:

“(1) on trails lawfully developed and identified for that purpose situated in the territory of the Communauté maritime des Îles-de-la-Madeleine;”.

13. The following is inserted after section 49:

“DIVISION II.1 ALVARS

49.0.1. Races, rallies and other motor vehicle competitions are prohibited on alvars.

49.0.2. Circulation of motor vehicles is prohibited on alvars, except for

(1) circulation of off-road vehicles in winter with snow or ice cover, so as not to create ruts;

(2) circulation required for accessing a property;

(3) circulation required in carrying out work.”.

14. Section 51 is amended

(1) by replacing paragraph 3 by the following:

“(3) does not comply with the requirements provided for in section 11 for the use of a vehicle or machinery in wetlands and bodies of water;”;

(2) by replacing “the requirement prescribed” in paragraph 8 by “the requirements prescribed”;

(3) by replacing “for crossing a watercourse” in paragraph 10 by “for circulating in the littoral zone of a watercourse”.

15. Section 52 is revoked.

16. Section 53 is amended by replacing “or 49.1” in paragraph 2 by “, 49.0.1, 49.0.2 or 49.1”.

17. Section 56 is amended by replacing “the first paragraph of section 11, section” by “11.”.

18. Section 57 is amended by striking out paragraph 1.

19. Section 58 is amended by replacing “or 49.1” by “, 49.0.1, 49.0.2 or 49.1”.

20. This Regulation comes into force on 13 February 2023.

Regulation to amend the Regulation respecting biomedical waste

Environment Quality Act
(chapter Q-2, ss. 70 and 95.1)

Act respecting certain measures enabling
the enforcement of environmental
and dam safety legislation
(2022, chapter 8, s. 1 (s. 45))

1. The Regulation respecting biomedical waste (chapter Q-2, r. 12) is amended in section 3.2 by inserting “and sharp medical objects from the raising of animals to which the Agricultural Operations Regulation (chapter Q-2, r. 26) applies” after “for non-profit purposes”.

2. Section 66.3 is amended by striking out paragraph 2.

3. This Regulation comes into force on 13 February 2023.

Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact

Environment Quality Act
(chapter Q-2, ss. 22, 23, 30, 31.0.6, 31.0.7, 31.0.8,
31.0.11 and 95.1)

Act respecting certain measures enabling
the enforcement of environmental
and dam safety legislation
(2022, chapter 8, s. 1 (ss. 30 and 45))

1. The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended in the second paragraph of section 46

(1) by inserting “or necessary for the construction of a wind farm referred to in that Regulation” after “the construction of any linear infrastructure referred to in the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1)” in subparagraph 3;

(2) by inserting the following after subparagraph 4:

“(4.1) the construction of slope stabilization works and all dredging, excavation and fill work carried out in bodies of water, including the management of excavated soil, under a project or program referred to in subparagraph 1 of the first paragraph of section 2 of Part II of Schedule 1 of the Regulation respecting the environmental impact assessment and review of certain projects;”.

2. Section 50 is amended

(1) by replacing “in an aquatic reserve, biodiversity reserve or ecological reserve or on land reserved for such purposes” in subparagraph 3 of the first paragraph by “in a natural environment or a territory designated”;

(2) by replacing “an impact assessment and review procedure” at the end of the second paragraph by “the environmental impact assessment and review procedure provided for in Subdivision 4 of Division II of Chapter IV of Title I of the Act”.

3. Section 51 is amended in the first paragraph

(1) by striking out subparagraph 3;

(2) by replacing “the only contaminant discharge from which is a discharge of wastewater from an industrial process” in subparagraph 5 by “whose only contaminant discharge, excluding domestic wastewater, is a discharge of wastewater”.

4. Section 52 is amended by inserting the following after subparagraph *b* of paragraph 1:

“(c) technical surveys and archaeological excavations;”.

5. Section 54 is amended

(1) by inserting the following after paragraph 1:

“(1.1) any burning activity carried out in connection with the training of firefighters, on the conditions set out in subparagraphs *a* to *c* of paragraph 1;”;

(2) by adding the following at the end:

“(5) the establishment of a prefabricated holding tank serving a building or place referred to in the Regulation respecting waste water disposal systems for isolated dwellings and used to collect wastewater that is not of domestic origin, on the conditions set out in subparagraphs *a* to *e* of paragraph 4.”.

6. Section 109 is amended by replacing “used” in paragraph 1 by “of the establishment”.

7. The following is inserted after section 111:

**“DIVISION III
EXEMPTED ACTIVITIES**

111.1. The laying out and operation of a cemetery used exclusively for the burial of ashes from human cremation or from the incineration of animals whose carcasses are not considered to be inedible meat within the meaning of the Regulation respecting food (chapter P-29, r. 1), are exempted from authorization pursuant to this Chapter, on the following conditions:

(1) the ashes come from a crematorium or an authorized incinerator;

(2) the site of the cemetery is outside the inner protection zones of a water supply well.”

8. The heading of subdivision 2 of Division I of Chapter X of Title II of Part II is amended by adding “or an amendment of authorization” after “authorization”.

9. The following is inserted after section 122:

“122.1. The addition, by a hot mix asphalt plant, of the use of post-consumer asphalt shingle fines as raw material requires an amendment of authorization under subparagraph 5 of the first paragraph of section 30 of the Act.”

10. The following is inserted after section 123:

“123.1. In addition to the general content prescribed by section 29, every application for the amendment of an authorization for an activity referred to in this Division covering the use of post-consumer asphalt shingle fines by a hot mix asphalt plant built or installed less than 300 m from a dwelling, except in the case of a dwelling owned by or leased to the owner or operator of the hot mix asphalt plant, and any school, place of worship, campground or institution referred to in the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), must include air dispersion modelling performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1), showing compliance with the air quality standards in Schedule K of that Regulation and, where applicable, with the air quality criteria prescribed by the Minister in the authorization issued.”

11. Section 124 is amended in the second paragraph

(1) by replacing “is used” in subparagraph 3 by “and no asphalt shingle fines are used”;

(2) by inserting the following after subparagraph 5:

“(5.1) the place indicated has not been used for such a plant by the same declarant in the 12 months before the declaration of compliance is sent;”

12. Section 150 is amended by inserting “, livestock waste evacuation equipment” after “raising facilities” in the portion before subparagraph 1 of the third paragraph.

13. Section 173 is amended by inserting the following after paragraph 1:

“(1.1) water withdrawals using a ditch, a drain or a pumping device if the withdrawals are intended for the drainage of a building;”

14. Section 175 is amended

(1) by replacing “The engineer must, within 60 days of the end of the work, file” at the beginning of the second paragraph by “The owner of the site must, within 60 days of the end of the work, obtain from an engineer”;

(2) in the third paragraph

(a) by replacing subparagraph 1 by the following:

“(1) section 184, for all activities, if the waterworks system concerned is intended to serve 20 persons or less;”

(b) by replacing “serves” in subparagraph 2 by “is intended to serve”.

15. Section 178 is replaced by the following:

“178. The materials used as bedding and surround soil, and to backfill trenches for pipes carrying water for human consumption must comply with the requirements in the standard specification BNQ 1809-300.

The materials used as bedding and surround soil for pipes carrying water for human consumption must be free of contaminants from human activity over a minimum height of 300 mm above the pipes.”

16. Section 182 is amended in the French text by replacing “surchloration” in subparagraph 1 of the first paragraph by “rechloration”.

17. Section 183 is amended by replacing “, the number of the municipal resolution” in paragraph 1 by “or are not operated by the Government or by a government body, the number of the municipal resolution”.

18. Section 184 is amended

(1) by striking out “, for 20 persons or less” in subparagraph 1 of the first paragraph;

(2) by replacing the second paragraph by the following:

“In the case of the activity referred to in subparagraph 1 of the first paragraph, the work must at least meet the requirements in the standard specification BNQ 1809-300 for the work concerned.

In the case of the activity referred to in subparagraph 2 of the first paragraph, the following conditions apply:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) the establishment, modification or extension does not result in an increase in the number of persons served to more than 20.”

19. Section 186 is amended in the first paragraph

(1) by replacing “of a pipe” in subparagraph 1 by “or relocation of a pipe”;

(2) by replacing “of greater capacity” at the end of subparagraph 2 by “of lesser or equal capacity”.

20. Section 189 is amended

(1) by replacing “re-treat water from a waterworks system prior to its use in a production process are exempted from authorization pursuant to this Subdivision” by “treat feed water prior to its use for purposes other than human consumption, on the following conditions:”;

(2) by adding the following:

“(1) where process water from the apparatus or equipment is discharged into the environment, it has first been treated by a treatment system that is covered by an authorization or a declaration of compliance or that is exempted from such an authorization;

(2) where the wastewater from an establishment, excluding domestic wastewater, and process water from the apparatus or equipment are discharged into a sewer system governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1), the combined flow of those waters is less than 10 m³ per day.”

21. Section 192 is amended

(1) by replacing paragraph 6 by the following:

“(6) as the case may be,

(a) once the work is completed, the extension is not likely to cause an increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, or in the frequency of diversions at the treatment plant;

(b) a planning of overflow events and diversions has first been filed with the Minister by each municipality concerned, which planning meets the following conditions:

i. the planning provides for measures allowing to compensate the additions of flows from the work and preventing the increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, and in the frequency of diversions at the treatment plant;

ii. the planning describes each measure provided for and the overflows and diversions covered by each measure;

iii. the implementation of those measures is to be completed by the municipality not later than 31 December 2030;”;

(2) by adding the following:

“(8) the system is not covered by a depollution attestation.”

22. Section 195 is amended

(1) by replacing paragraph 1 by the following:

“(1) in the case of the activity referred to in section 192 whose work is covered by the planning provided for in subparagraph *b* of paragraph 6 of that section, an attestation from each municipality concerned including

(a) its contact information;

(b) the confirmation that a planning meeting the conditions set out in subparagraph *b* of paragraph 6 of section 192 has been filed with the Minister and the date of filing;

(1.1) in the case of the activity referred to in section 192, an attestation from the municipality operating the treatment plant serving the sewer system confirming that the discharge standards applicable to the plant are not likely to be exceeded despite the extension;”;

(2) by adding “in all cases,” at the beginning of paragraph 2.

23. Section 197 is amended in the first paragraph

(1) by adding “or a prefabricated holding tank referred to in paragraph 4 of section 54” at the end of subparagraph 1;

(2) by inserting the following after subparagraph 2:

“(2.1) in the case of a sewer system that is not governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1), the completion of the work is not likely to cause an overflow or diversion of wastewater into the environment;

(2.2) no overflow works is added to the system;”

24. Section 200 is amended

(1) by replacing the portion before paragraph 1 by “The modification and extension of a sewer system covered by a depollution attestation are exempted from authorization pursuant to this Subdivision, on the following conditions:”;

(2) by striking out paragraphs 3 and 5;

(3) by replacing “the extension” in paragraph 6 by “the modification or extension”.

25. Section 202 is amended by adding the following paragraph at the end:

“This section does not apply to a sewer system serving a temporary industrial camp.”

26. The following is inserted after section 213:

“**213.1.** The installation and subsequent operation of a temporary treatment system to remove suspended matters, that is installed as part of construction or demolition work and that is intended to treat wastewater generated only by that activity, are exempted from authorization pursuant to this Subdivision.

The following conditions apply to the activities referred to in the first paragraph:

(1) where the water is discharged into the environment, the flow must be less than 10 m³ per day, except work for dewatering of the area of work in a watercourse, and they must have

(a) a suspended matter concentration below or equal to 50 mg/l;

(b) a pH between 6 and 9.5;

(c) a petroleum hydrocarbons concentration (C₁₀-C₅₀) below or equal to 2 mg/l;

(2) the water must not have been in contact with contaminated soils.

213.2. The installation and operation of a treatment apparatus or equipment used to treat water generated by an activity covered by a declaration of compliance or exempted from authorization under Chapters I and II of Title IV of Part II are exempted from authorization pursuant to this Subdivision.”

27. Section 214 is amended by replacing “from an industrial process at a rate of less than 10 m³ per day” in paragraph 7 by “at a rate of less than 10 m³ per day, other than domestic wastewater;”.

28. Section 218 is amended

(1) in paragraph 4

(a) by inserting “likely to contaminate storm water” after “storage site” in subparagraph c;

(b) by replacing subparagraph e by the following:

(e) a site where activities to repair or clean heavy vehicles or railway vehicles likely to contaminate storm water are carried on;”;

(2) in paragraph 6

(a) by inserting “, including the discharge pipe” after “pumping station” in subparagraph c;

(b) by inserting “, a manhole, a catch basin” after “device” in subparagraph d;

(3) by striking out paragraph 9.

29. Section 221 is amended by replacing paragraph 5 by the following:

“(5) as the case may be,

(a) once the work is completed, the extension is not likely to cause an increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, or in the frequency of diversions at the treatment plant;

(b) a planning of overflow events and diversions has first been filed with the Minister by each municipality concerned, which planning meets the following conditions:

i. the planning provides for measures allowing to compensate the additions of flows from the work and preventing the increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, and in the frequency of diversions at the treatment plant;

ii. the planning describes each measure provided for and the overflows and diversions covered by each measure;

iii. the implementation of those measures is to be completed by the municipality not later than 31 December 2030;

(6) the system is not covered by a depollution attestation.”.

30. Section 222 is amended by inserting “not situated on a riverbank or lakeshore and in the littoral zone of a lake or a watercourse” after “wetland” in paragraph 4.

31. Section 223 is amended

(1) by replacing paragraph 1 by the following:

“(1) in the case of the activity referred to in section 221 whose work is referred to in subparagraph *b* of paragraph 5 of that section, an attestation from each municipality concerned including

(a) its contact information;

(b) the confirmation that a planning meeting the conditions set out in the planning provided for in subparagraph *b* of paragraph 5 of section 221 has been filed with the Minister and the date of the filing;

(1.1) in the case of the activity referred to in section 221, an attestation from the municipality operating the treatment plant serving the sewer system confirming that the discharge standards applicable to the plant are not likely to be exceeded despite the extension;”;

(2) by adding “in all cases,” at the beginning of paragraph 2.

32. Section 224 is amended

(1) in the first paragraph

(a) by inserting “, modification” after “establishment” in subparagraph 1;

(b) by inserting “, modification” after “establishment” in subparagraph 2;

(c) by inserting “or infiltration site” after “discharge point” in subparagraph 3;

(d) by replacing subparagraph 5 by the following:

“(5) the establishment, modification and extension of one or more storm water management systems as part of a project for a new road layout implemented by the minister responsible for the Act respecting roads (chapter V-9) when the addition of impermeable surfaces involves an area of less than 1 ha for the entire layout project.”;

(2) in the second paragraph

(a) by replacing subparagraph 2 by the following:

“(2) where the system feeds into a sewer system, the areas of the drained surfaces and the impermeable drained surfaces are not increased;”;

(b) by inserting “not situated on a riverbank or lakeshore or in the littoral zone of a lake or a watercourse” after “wetland” in paragraph 5;

(3) by replacing the third paragraph by the following:

“For the activity referred to in subparagraph 2 of the first paragraph, the following conditions must be met:

(1) the storm water management system must not discharge into rivière des Mille Îles;

(2) the storm water is not diverted to another watershed;

(3) the discharge point is not located in a lake.”.

33. Section 225 is amended in the first paragraph

(1) by inserting “or diversion” after “discharge” in subparagraph 2;

(2) by inserting the following after subparagraph 3:

“(3.1) no discharge point is added to the system;

(3.2) if there is relocation of an existing discharge point, the receiving watercourse remains the same;”;

(3) in subparagraph 4

(a) by replacing “replacing a ditch by a pipe” in the portion before subparagraph *a* by “piping a ditch”;

(b) by striking out subparagraph *c*;

(c) by inserting “not situated on a riverbank or in the littoral zone of a watercourse” after “wetland” in subparagraph *e*;

(4) by inserting “or a water retaining works” after “device” in subparagraph 6.

34. Section 226 is amended

(1) by striking out “if the storm water management system does not feed into a sewer system” in the portion before subparagraph 1;

(2) by adding the following after subparagraph 4:

“(5) the establishment and extension of a storm water management system in the case of the replacement of a combined sewer by a sanitary or partially separated sanitary sewer and the conversion of a combined sewer system into a sanitary or partially separated sanitary sewer.”;

(3) by adding the following paragraph at the end:

“For the activities referred to in subparagraphs 1 to 3 of the first paragraph, where the system feeds into a sewer system, the areas of the drained surfaces are not increased.”.

35. The following is inserted after section 226:

“**226.1.** The modification and extension of a storm water management system that feeds into a sewer system covered by a depollution attestation are exempted from authorization pursuant to this Subdivision, on the following conditions:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) if storm water is infiltrated into the soil, the bottom of the works used for infiltration is situated at least 1 m above bedrock level or above the seasonal peak groundwater level established on the basis of the oxidation-reduction level observed;

(3) the system has no discharge point and no discharge point is added to the system.”.

36. Section 241 is amended by inserting the following after paragraph 4:

“(4.1) the collection and storage of sharp medical objects used as part of the raising of animals to which the Agricultural Operations Regulation (chapter Q-2, r. 26) applies;”.

37. Section 252 is amended

(1) by striking out subparagraph 3 of the first paragraph;

(2) by inserting the following after the first paragraph:

“A composting activity referred to in the first paragraph must be carried out in accordance with a technical report signed by an agronomist or engineer that includes

(1) a description of the composting process that ensures the maturity of the compost produced;

(2) a plan for mitigation measures to deal with the expected environmental impacts;

(3) a protocol for operations monitoring, compost quality control and environmental monitoring.”.

38. The following is inserted after section 277:

“**§§3.1.** *Conditioning of organic materials sorted at source by equipment or apparatus*

277.1. The operation of equipment or apparatus for the conditioning of organic materials at source on the site where the materials are produced is exempted from authorization pursuant to this Division, on the following conditions:

(1) the equipment or apparatus is equipped with a dispersion, confinement or filtration device to limit odours;

(2) the process does not include a step for the reduction of the size of non-compostable materials;

(3) the equipment or apparatus is designed so as not to produce leachate that must be treated outside the equipment or apparatus.”.

39. The following is inserted after section 280:

“**§§5.1.** *Return site*

280.1. The establishment and operation of any return site referred to in the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers, made by Order in Council 972-2022 dated 8 June 2022, are exempted from authorization pursuant to this Division.”.

40. Section 284 is amended

(1) by replacing paragraph 3 by the following:

“(3) the user of the granular material holds the attestation provided by the producer of the material in accordance with section 25.1 of the Regulation respecting the reclamation of residual materials;”;

(2) by striking out paragraph 4;

(3) by adding “, except if the material is category 1 crushed stone or cuttings and tailings from the dimension stone sector within the meaning of the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49)” at the end of paragraph 8.

41. Section 298 is amended

(1) by striking out “, other than phytocides or *Bacillus thuringiensis* (*Kurstaki* variety),” in subparagraph 2 of the first paragraph;

(2) by replacing the second paragraph by the following:

“Subparagraphs 2 and 3 of the first paragraph do not apply to the application of phytocides or *Bacillus thuringiensis* (*Kurstaki* variety) from an aircraft in a forest environment or for non-agricultural purposes.”

42. Section 304 is amended

(1) by inserting “replacement or” after “The” in the portion before paragraph 1;

(2) by replacing “when the apparatus or equipment meets the following conditions” in the portion before paragraph 1 by “on the following conditions”;

(3) by replacing “it” in paragraph 1 by “the initial apparatus or equipment”;

(4) by inserting “replacement or” after “the” at the beginning of paragraph 2;

(5) by replacing “it” in paragraph 3 “the replacement or modified apparatus or equipment”.

43. Section 305 is amended

(1) by inserting “the replacement or” after “attesting that” in the portion before subparagraph 1 of the first paragraph;

(2) in the second paragraph

(a) by inserting “the replacement or” after “days of”;

(b) by inserting “replacement or” after “has occurred, an attestation from an engineer certifying that the”.

44. Section 306 is amended by adding the following:

“(3) the installation and operation of an apparatus or equipment intended to prevent, abate or stop the release of contaminants into the atmosphere that is used incidentally to an activity covered by a declaration of compliance or exempted.”

45. Section 313 is amended by replacing paragraph 10 by the following:

“(10) a road is an infrastructure the right of way of which includes a roadway, shoulders and, where applicable, ditches and turning circles, but excludes a temporary road and a winter road as well as a stabilization works, a railway, a bridge, a culvert or any other work to cross a watercourse; subject to the exceptions mentioned above, the following are considered to be roads:

(a) a road laid out by the minister responsible for the Act respecting roads (chapter V-9);

(b) a trail that is not laid out as part of a forest development activity or any work allowing traffic, such as cycle paths, which do not include accesses to the littoral zone of a lake or watercourse that may be attached thereto, or structures that may be constructed in the accesses;”

46. Section 318 is amended

(1) by adding the following after subparagraph 5 of the first paragraph:

“(6) when it is carried out in the littoral zone, it is required to carry out an activity associated with an activity eligible for a declaration of compliance or exempted.”;

(2) in the second paragraph

(a) by replacing “5” by “6”;

(b) by inserting “, when they are situated in a wetland,” after “ditches”;

(c) by replacing “30” by “50”.

47. Section 321 is replaced by the following:

“**321.** The removal and pruning of plants carried out otherwise than as part of the construction or maintenance of an infrastructure, works, building or equipment are exempted from an authorization under this Division, on the following conditions:

- (1) the work is not carried out for forest development purposes;
- (2) the work is carried out for civil security purposes or target plants that are dead or affected by a pest or disease.”

48. Section 322 is replaced by the following:

“**322.** The following activities that do not require drilling, including prior tree clearing required at the site selected for the carrying out of the activity, are exempted from authorization pursuant to this Division:

- (1) taking samples;
- (2) conducting surveys, technical surveys or archaeological excavations;
- (3) making measurements.

Surveys and technical surveys conducted by drilling, including prior tree clearing required at the site selected for the carrying out of the activity, are also exempted from authorization pursuant to this Division where they are conducted on a works or infrastructure present in the environment.”

49. Section 323 is amended

- (1) by replacing paragraph 4 by the following:

“(4) in the case of a culvert, the work is carried out, using the least restrictive option,

(a) over a distance of not more than 9 m, upstream and downstream of the culvert; or

(b) over a distance equal to twice the length of the culvert, upstream and downstream of the culvert;”;

- (2) by replacing “must be no longer than 30 m and cover no more than 4 m² at the discharge point” in paragraph 5 by “must be carried out over a distance of not more than 30 m and its area must not exceed 4 m² at the discharge point”.

50. Section 324 is amended

(1) by replacing “any anchor or pedestal required” in the portion before subparagraph 1 of the first paragraph by “any anchor or base that is not already covered by this Chapter”;

- (2) by replacing the second paragraph by the following:

“For the purposes of this section,

(1) where a number of anchors or bases are required for a same structure, the area occupied includes the encroachment on the ground of each anchor or base and the planned right of way under the structure;

(2) the construction of scenic lookouts, tree stands, observatories or concrete stairways carried out in a body of water is not exempted;

(3) the limits of areas provided for in the first paragraph do not apply to the dismantling.”.

51. The following is inserted after section 324:

“**324.1.** The construction of an aerial linear infrastructure used for the transportation or distribution of electric power or telecommunications is exempted from an authorization under this Division, on the following conditions:

(1) the encroachment on the ground of the structures does not exceed the areas referred to in the first paragraph of section 324;

(2) no tree clearing is carried out in the littoral zone or a riverbank or lakeshore, except if

- (a) it is necessary to cross a lake or watercourse;

(b) it makes it possible to connect the infrastructure to an existing infrastructure in the littoral zone, the riverbank or lakeshore or less than 5 m from the riverbank or lakeshore if that infrastructure skirts a lake or watercourse; or

(c) it is carried out in the right of way of an existing road in the littoral zone, the riverbank or lakeshore or less than 5 m from the riverbank or lakeshore if that road skirts a lake or watercourse;

(3) any tree clearing required by the work does not exceed 250 m in wetlands and bodies of water.

Despite the first paragraph, the dismantling of an infrastructure referred to therein is exempted without conditions.”.

52. Section 325 is amended

(1) by replacing subparagraph 1 of the first paragraph by the following:

“(1) if the work is carried out in the littoral zone, a pond or an open peat bog, it must not result in an encroachment on the environment, in addition to any encroachment already made by an existing road;”;

(2) by replacing the second paragraph by the following:

“Where the construction of a road is carried out as part of a forest development activity,

(1) the condition set out in subparagraph 3 of the first paragraph does not apply to work carried out on a riverbank or lakeshore or in a floodplain;

(2) the conditions set out in subparagraphs 4 to 7 of the first paragraph do not apply;

(3) the right of way of a road on a riverbank or lakeshore must be no wider than 15 m.”

53. Section 327 is amended

(1) by striking out “parallel” in paragraph 2;

(2) by replacing paragraph 4 by the following:

“(4) the work is carried out, in the littoral zone or on a riverbank or lakeshore, over a distance of not more than 9 m, upstream and downstream from the culvert.”

54. Section 336 is amended

(1) by striking out “energy-dissipating” in subparagraph 1;

(2) by replacing subparagraph 2 by the following:

“(2) the construction of a temporary works involving fill or excavation work to complete construction or maintenance work on an infrastructure, works, building or equipment associated with an activity that is not subject to ministerial authorization pursuant to section 22 of the Act, nor of a modification or renewal of such an authorization;”;

(3) by adding the following paragraph at the end:

“For the purposes of subparagraph 2 of the first paragraph, where the temporary works is a sedimentation pond, the work must, to be eligible for a declaration of compliance, meet the following conditions:

(1) the pond is not situated in the littoral zone;

(2) the pond is not situated on a riverbank or lakeshore, unless no other location is available, in which case it is not situated in a wetland present therein.”

55. Section 339 is amended

(1) by replacing paragraph 3 by the following:

“(3) the construction of a boat shelter with an area of no more than 20 m² when there is no boat shelter on the lot concerned;

(3.1) the construction of a floating quay, open pile quay or wheeled quay with an area, excluding the anchor points for a floating quay, of no more than 20 m² in the littoral zone when there is no quay on the lot concerned;”;

(2) by adding the following paragraph at the end:

“Despite subparagraphs 3 and 3.1 of the first paragraph, the works referred to therein may be dismantled even if another such work is present.”

56. Section 352 is amended by inserting the following after paragraph 3:

“(3.1) fails to publish a notice in accordance with the first paragraph of section 84;”

57. Section 353 is amended

(1) by adding “, within the period prescribed therein” at the end of paragraph 1;

(2) by replacing “section 89, 90, 111, 128 or 129, the second paragraph of section 135, the second paragraph of section 153 or section 157, 254, 260, 262, 264, 266 or 270” in paragraph 2 by “the first paragraph of section 111, the second paragraph of section 252, section 254, paragraph 2 of section 260, section 262, 264 or 266 or paragraph 2 or 3 of section 270”;

(3) by replacing “section 93, 208, 210 or 212, or” in paragraph 3 by “the second paragraph of section 210, the second paragraph of section 212, the second paragraph of section 277 or”;

(4) by inserting “section 131,” after “in contravention of” in paragraph 4.

58. Section 354 is amended by inserting the following after section 354:

354.1. A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in other cases may be imposed on any person who fails to file a notice of cessation of activity within the time and according to the terms provided for in the second paragraph of section 40.

354.2. A monetary administrative penalty of \$2,000 in the case of a natural person or \$10,000 in other cases may be imposed on any person who

(1) fails to comply with a condition prescribed by this Regulation for the carrying on of an activity eligible for a declaration of compliance in contravention of section 89, 90, 128 or 129, the second paragraph of section 153 or paragraph 1 of section 157, paragraph 1 of section 260 or paragraph 1 of section 270;

(2) fails to comply with a condition prescribed by this Regulation for the carrying on of an exempted activity in contravention of section 93 or 208, the first paragraph of section 210, the first paragraph of section 212 or the second paragraph of section 213.1.”

59. Section 355 is amended by striking out “the second paragraph of” in paragraph 4.

60. Section 356 is amended by replacing “section 89, 90, 93, 111, 128 or 129, the second paragraph of section 143, the second paragraph of section 145, the second paragraph of section 151, the second paragraph of section 153, section 157 or 175, the first and second paragraphs of section 176, section 178 or 179, the third paragraph of section 206, section 208, 210, 212 or 219, the second paragraph of section 253, section 254, 260, 262, 264, 266 or 270, the second paragraph of section 287 or the second paragraph of section 305” by “the first paragraph of section 111, section 131, the second paragraph of section 143, the second paragraph of section 145, the second paragraph of section 151, section 175, the first and second paragraphs of section 176, section 178 or 179, the third paragraph of section 206, the second paragraph of section 210, the second paragraph of section 212, section 219, the second paragraph of section 252, the second paragraph of section 253, section 254, paragraph 2 of section 260, section 262, 264 or 266, paragraph 2 or 3 of section 270, the second paragraph of section 277, the second paragraph of section 287 or the second paragraph of section 305”.

61. The following is inserted after section 357:

“**357.1.** Every person who contravenes the second paragraph of section 40 commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000

or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$15,000 to \$3,000,000.

357.2. Every person who contravenes section 89, 90, 93, 128 or 129, the second paragraph of section 153, paragraph 1 of section 157, section 208, the first paragraph of section 210, the first paragraph of section 212, the second paragraph of section 213.1, paragraph 1 of section 260 or paragraph 1 of section 270 commits an offence and is liable, in the case of a natural person, to a fine of \$10,000 to \$1,000,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 3 years, or to both the fine and imprisonment, or, in other cases, to a fine of \$30,000 to \$6,000,000.”

62. Section 358 is revoked.

63. A person or municipality that, on 13 February 2023, is awaiting the issue, amendment or renewal of an authorization for an activity which, beginning on that date, is eligible for a declaration of compliance, may file a declaration of compliance for that activity with the Minister.

The information and documents required for the declaration of compliance that have already been filed for the application for authorization, amendment or renewal need not be filed again.

The fee for the declaration of compliance is not payable if the fee for the application for authorization, amendment or renewal has been deposited.

64. A person or municipality that, on 13 February 2023, is awaiting the issue, amendment or renewal of an authorization for an activity which, beginning on that date, is exempted from authorization may claim the refund of the fee paid at the time of the application.

65. This Regulation comes into force on 13 February 2023, except

(1) subparagraph *d* of paragraph 1 of section 32, which comes into force on 1 November 2023;

(2) section 39, which comes into force on the fifteenth day following the date of publication of this Regulation in the *Gazette officielle du Québec*.

Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects

Environment Quality Act
(chapter Q-2, s. 31.1 and 31.9)

1. The Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) is amended by replacing “2023” in the third paragraph of section 5 of Part II of Schedule 1 by “2028”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Regulation to amend the Regulation respecting the reclamation of residual materials

Environment Quality Act
(chapter Q-2, ss. 53.30 and 95.1)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(2022, chapter 8, s. 1 (ss. 30 and 45))

1. The Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49) is amended in section 5

(1) by replacing “for the purpose of composting or storing organic residual materials, establishing a residual materials transfer station or a selective collection sorting station, storing, sorting and conditioning construction or demolition residual materials, storing and conditioning street sweeping waste, or conditioning uncontaminated wood” in the portion before subparagraph 1 of the first paragraph by “referred to in section 261, 263, 268, 269, 277, 279, 280 or 281 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)”;

(2) by striking out the second paragraph;

(3) in the third paragraph

(a) by replacing subparagraph 1 by the following:

“(1) activities related to the transfer of materials from a residual materials transfer station referred to in section 261 of the Regulation respecting the regulatory scheme applying to activities on the basis of their

environmental impact or activities related to a selective collection sorting station referred to in section 281 of that Regulation are carried out indoors;”;

(b) by adding “referred to in section 268 or 280 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact” at the end of subparagraph 2.

2. Section 6 is amended

(1) by replacing “for the purpose of crushing, screening and storing crushed stone or residues from the dimension stone sector, brick, concrete or asphalt or for the purpose of sorting and conditioning dead leaves” in the portion before subparagraph 1 of the first paragraph by “referred to in section 259, 276, 282 or 283 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)”;

(2) by striking out the second paragraph;

(3) by inserting “is referred to in section 259, 282 or 283 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact and” after “activity” in the third paragraph.

3. Section 7 is revoked.

4. Section 8 is amended by replacing “a residual materials reclamation activity involves the conditioning, crushing, screening, transfer or sorting of residual materials on site” in the portion before subparagraph 1 of the first paragraph by “an activity referred to in section 259, 261, 263, 276 or 277 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) involves the conditioning, crushing, screening, transfer or sorting of residual materials on site or where an activity referred to in section 269 of that Regulation involves the screening of such materials on site”.

5. Section 9 is amended

(1) by replacing the portion before subparagraph 1 of the first paragraph by “Every person who carries out a residual materials reclamation activity pursuant to section 259, 261, 263, 265, 268, 269 or 277 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) must keep a daily log containing the following information:”;

(2) by replacing the third paragraph by the following:

“Subparagraph 1 of the first paragraph does not apply to the activities referred to in sections 265 and 268 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact.”

6. Section 10 is amended by replacing “for the composting and reclamation of compost produced in an enclosed thermophilic composter” in the portion before paragraph 1 by “referred to in section 265 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)”.

7. Section 11 is amended by replacing “for the construction, installation, modification or operation on a raising site of a facility for composting livestock that dies at the farm and for the storing and spreading on a raising site or spreading site of the compost produced” in the portion before subparagraph 1 of the first paragraph by “pursuant to section 252 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)”.

8. Section 12 is amended by replacing “relating to the spreading of fresh waste water or of sludge from a commercial fishing pond site or fresh water aquacultural site” in the portion before subparagraph 1 of the first paragraph by “referred to in section 255 or 257 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)”.

9. Section 13 is amended by striking out “concerning the storing of organic agricultural residues or organic residual materials for purposes of reclamation” in the portion before subparagraph 1 of the first paragraph.

10. Section 14 is amended by replacing “grooving sludge” in subparagraph 3 of the second paragraph by “sludge from the maintenance of concrete surfaces”.

11. Section 15 is amended

(1) by inserting “granular” before “material” in the definition of “residual granular material”;

(2) by replacing “operating a business that stocks and” in the definition of “residual granular materials producer” by “who stocks and, where necessary,”.

12. Section 16 is amended by replacing subparagraph 2 of the second paragraph by the following:

“(2) mixed with soil, except

(a) for the purpose of using the technique to pulverize asphalt;

(b) where the mix is required for the type of use determined in the plans and specifications signed and sealed by an engineer;

(c) where the mix is made for the purpose of obtaining a particle size that complies with BNQ Standard 2560-114.”

13. Section 17 is amended by replacing paragraph 1 by the following:

“(1) inorganic contaminants must meet the following conditions:

(a) in the case of category 1, 2 or 3 residual granular materials, the maximum levels must be less than or equal to the levels applicable to its category, as well as, where applicable, the maximum levels for leaching tests;

(b) in the case of category 4 residual granular materials, the levels must be less than or equal to the limit values provided for in the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);”.

14. Section 19 is amended by replacing the second paragraph by the following:

“This Chapter does not apply where the materials are one of the following:

(1) the materials originate from residential land, agricultural land other than a livestock waste storage facility, an elementary-level or secondary-level educational institution, a childcare centre or a day care centre and the land concerned contains no contaminated soil or contaminated materials;

(2) the residual granular materials are residual crushed stone from construction work only, or cuttings and tailings from the dimension stone sector;

(3) the materials originate from land where no motor vehicle repair, maintenance or recycling activities, treated wood reclamation activities, activities whose sector is listed in Schedule 3 to the Regulation respecting hazardous materials (chapter Q-2, r. 32) or activities whose category is listed in Schedule III to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) have been carried out and the following conditions are met:

(a) the land concerned contains no contaminated materials or contaminated soil;

(b) the reclamation of the residual granular materials is carried out on the land of origin concerned;

(4) the residual materials originate from road infrastructures and the following conditions are met:

(a) the land of the infrastructures concerned contains no contaminated soils or contaminated materials;

(b) the residual materials are reclaimed in the course of infrastructure work carried out by the same operator.

Subparagraph *b* of subparagraph 3 of the second paragraph does not apply where the residual granular material is crushed stone.

Despite the second paragraph, a characterization must be performed where the materials are used for a purpose referred to in the second paragraph of section 178 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).”

15. The following is added after section 20:

“**20.1.** Where the residual granular materials consist of sludge from the dimension stone sector, sludge from the maintenance of concrete surfaces or sludge from a ready-mix concrete basin, at least one representative annual sampling must be taken.

20.2. Where the sampling of residual granular materials is carried out on site on the land, the sampling must comply with the sampling strategy prescribed by the guide prepared under section 31.66 of the Act.”

16. Section 21 is amended

(1) by replacing the first paragraph by the following:

“The characterization of the residual granular materials must be performed by taking at least 1 sample for every 1,000 m³ or less where

(1) the residual materials originate from land containing contaminated materials or contaminated soil;

(2) the residual materials originate from land where one of the following activities has been carried out:

(a) motor vehicle repair, maintenance or recycling activities;

(b) treated wood reclamation activities;

(c) the activities whose sector is listed in Schedule 3 to the Regulation respecting hazardous materials (chapter Q-2, r. 32), except for transportation activities for which the economic activity code is 4591;

(d) the activities whose category is listed in Schedule III to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37).”;

(2) by striking out the second paragraph;

(3) by adding “or, in the case of category 4 granular materials, the organic compounds identified in the characterization of the soil on the land” after “Schedule I” in subparagraph *b* of subparagraph 2 of the third paragraph.

17. Section 23 is replaced by the following:

“**23.** Where the excavated residual materials originate from land on which a characterization has been performed voluntarily or pursuant to Division IV of Chapter IV of Title I of the Act, the analysis of the residual granular materials must focus in particular on the contaminants referred to in sections 20 and 21, where applicable, as well as any contaminants identified in the characterization on the land concerned.”

18. Section 24 is amended

(1) by replacing “than the maximum level” in the portion before paragraph 1 by “than a maximum level that is”;

(2) by adding the following paragraph at the end:

“The first paragraph applies to residual crushed stone only where the level of the inorganic parameters listed in Schedule I to this Regulation are higher than the limit values listed for those parameters in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37).”

19. Section 25 is replaced by the following:

“**25.** The samples collected pursuant to this Regulation must be sent, for the purposes of analysis, to laboratories accredited by the Minister under section 118.6 of the Act.

Where there is no laboratory accredited by the Minister for the analysis of a substance referred to in this Regulation, the samples must be sent to a laboratory accredited according to ISO/IEC 17025, General requirements for the competence of testing and calibration laboratories, which is published jointly by the International Organization for Standardization and

the International Electrotechnical Commission, or to a laboratory accredited by the Minister for the analysis of similar substances.

Despite the first paragraph, the analysis of the impurities content must be performed by a person who holds a registration certificate compliant with ISO 9001, Quality management systems — Requirements, and covers carrying out tests or with ISO/CEI 17025, or by a laboratory accredited by the Minister for the analysis of similar substances.

25.1. A person who distributes or sells residual granular materials must provide, to any person who acquires those materials in order to reclaim them, an attestation of their category prepared by the producer of the materials concerned containing the following information:

(1) the name of the person who distributes or sells the materials;

(2) the contact information of the production site;

(3) the name of the acquirer and, where applicable, the contact information of the reclamation site;

(4) the quantity, nature and category number of the residual granular materials concerned by the transaction;

(5) the date of the transaction;

(6) a declaration signed by the producer certifying that the producer is legally able to produce residual granular materials pursuant to an exemption or a declaration of compliance provided for in the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) or a ministerial authorization, as the case may be.”

20. Section 26 is amended by replacing the table in the first paragraph by the following:

CATEGORY 1				
Case 1: The residual granular material contains 1% or less of asphalt and is covered under subparagraph 1 or 2 of the second paragraph of section 19.				
Case 2: The residual granular material contains 1% or less of asphalt and meets the following requirements:				
Level of metals, metalloids and other inorganic parameters	Level of petroleum hydrocarbons (C₁₀-C₅₀)	Level of organic compounds	Leachates	Impurities content
lower or equal to the level of the second column of Table 1 of Schedule I	lower or equal to 100 mg/kg	lower or equal to the level of the second column of Table 2 of Schedule I	N/A	lower or equal to 1% (w/w) and 0.1% (w/w) for light materials
CATEGORY 2				
Case 1: The residual granular material contains 1% or less of asphalt and is covered under subparagraph 3 of the second paragraph of section 19.				
Case 2: The residual granular material contains 1% or less of asphalt and meets the following requirements:				
Level of metals, metalloids and other inorganic parameters	Level of petroleum hydrocarbons (C₁₀-C₅₀)	Level of organic compounds	Leachates	Impurities content
higher than the level of the second column and lower or equal to the level of the third column of Table 1 of Schedule I	lower or equal to 100 mg/kg	lower or equal to the level of the second column of Table 2 of Schedule I	leachates do not exceed the maximum level of Table 1 of Schedule I, where applicable	lower or equal to 1% (w/w) and 0.1% (w/w) for light materials

CATEGORY 3				
Case 1: The residual granular material is from road infrastructures covered under subparagraph 4 of the second paragraph of section 19 or contains more than 1% of asphalt and is covered under the second paragraph of section 19.				
Case 2: The residual granular material is composed of a mixture of category 1 or 2 residual granular materials and more than 1% of asphalt.				
Case 3: The residual granular material meets the following requirements:				
Level of metals, metalloids and other inorganic parameters	Level of petroleum hydrocarbons (C₁₀-C₅₀)	Level of organic compounds	Leachates	Impurities content
lower or equal to the level of the third column of Table 1 of Schedule I, except in the case of asphalt containing slag from steel mills	higher than 100 mg/kg but lower or equal to 3,500 mg/kg, except asphalt	lower or equal to the level of the third column of Table 2 of Schedule I, except asphalt	leachates do not exceed the maximum level of Table 1 of Schedule I, where applicable	lower or equal to 1% (w/w) and 0.1% (w/w) for light materials
CATEGORY 4				
The residual granular material is reclaimed on the land where the material was excavated and meets the following conditions:				
(1) it has an impurities content lower or equal to 1% (w/w) and 0.1% (w/w) for light materials;				
(2) it has a concentration of contaminants lower or equal to the limit values prescribed in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) or in Schedule II of that Regulation for land with the following uses:				
(a) land on which, under a municipal zoning by-law, industrial, commercial or institutional uses are authorized, except				
i. land where totally or partially residential buildings are built;				
ii. land where elementary-level or secondary-level educational institutions, childcare centres, day care centres, hospital centres, residential and long-term care centres, rehabilitation centres, child and youth protection centres, or correctional facilities are built;				
(b) land constituting, or intended to constitute, the site of a roadway within the meaning of the Highway Safety Code (chapter C-24.2) or a sidewalk bordering a roadway, a bicycle path or a municipal park, except play areas for which the limit values provided for in Schedule I to the Land Protection and Rehabilitation Regulation remain applicable for a depth of at least 1 m.				

21. Section 27 is amended by replacing the table by the following:

“

Type of use	Category 1	Category 2	Category 3	Category 4
Miscellaneous activities				
Grading down or raising up of ground level using crushed stone	X			X
Road abrasives – crushed stone and cuttings and tailings from the dimension stone sector only	X			
Construction on residential or agricultural land, an elementary-level or secondary-level educational institution, a childcare centre or a day care centre	X			X
Parking area – asphalt or non-asphalt – on residential land	X			X
Mulching, rockfill, landscaping – crushed stone, brick and cuttings and tailings from the dimension stone sector only	X			
Backfilling areas excavated during a demolition	X			X
Construction on institutional, commercial or industrial land, including municipal land	X	X		X
Recreation and tourism facilities (bicycle path, park, etc.)	X	X		X
Access road, farm road	X	X		X
Noise-abatement embankment and visual screen	X	X		X
Construction and rehabilitation of a snow disposal site	X	X		X
Concrete manufacturing	X	X		
Hot-mix or cold-mix asphalt	X	X	X	X
Storage area on industrial land	X	X	X	X
Parking area and traffic lanes of industrial or commercial establishments	X	X	X	X
Bedding, surrounding soil and backfilling for pipes on residential land	X			
Bedding, surrounding soil and backfilling for pipes (other than waterworks and sewers)	X	X	X	X
Bedding and surrounding soil for pipes (waterworks and sewers) – crushed stone or cuttings and tailings from the dimension stone sector only	X			
Backfilling for pipes (waterworks and sewers) less than 1 m from the pipes – crushed stone or cuttings and tailings from the dimension stone sector only	X			
Backfilling for pipes 1 m or more from the pipes (waterworks and sewers)	X	X	X	

Construction or repair of highways and streets, including those in residential, municipal and agricultural sectors			
Filtering layer – crushed stone or cuttings and tailings from the dimension stone sector only	X	X	
Mineral filler	X	X	
Roadbed – asphalt or non-asphalt	X	X	X
Road shoulder – asphalt or non-asphalt	X	X	X
Cushion	X	X	X
Anti-contaminant layer	X	X	X
Screenings	X	X	X
Surface treatment	X	X	X
Granulates for sealing grout	X	X	X
Encasing for culverts	X	X	X
Roadway backfilling	X	X	X
Road underbed	X	X	X

22. Section 28 is amended

- (1) by striking out paragraph 1;
- (2) by adding the following:

“(5) to provide the attestation of category containing the information provided for in section 25.1.”.

23. Section 29 is amended

(1) by replacing “containing one of the materials covered by” in paragraph 1 by “not meeting the requirements prescribed by”;

- (2) by replacing paragraph 3 by the following:

“(3) fails to condition the residual materials in accordance with the maximum particle size provided for in section 18;”;

- (3) by striking out paragraph 4.

24. Section 31 is amended by replacing “section 7 or any of sections 9 to 13” at the end by “section 9, section 10, the second paragraph of any of sections 11 to 13 or section 25.1”.

25. Section 32 is amended by replacing “to 24” by “to 18, 20 to 24”.

26. Schedule II is amended

(1) by striking out “granular” in subparagraph 6 of the first paragraph;

(2) by striking out the word “granular” in “cooked granular materials” wherever it appears;

(3) by striking out the word “granular” in “other residual granular materials” wherever it appears.

27. This Regulation comes into force on 13 February 2023.

105942

Gouvernement du Québec

O.C. 1462-2022, 3 August 2022

Environment Quality Act
(chapter Q-2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8)

Cap-and-trade system for greenhouse gas emission allowances
— Amendment

Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances

WHEREAS, under the first paragraph of section 46.1 of the Environment Quality Act (chapter Q-2), subdivision 1 of Division VI of Chapter IV of Title I of the Act applies to a person or municipality (the “emitter”) who carries on or operates a business, facility or establishment that